COLLEGE POLICY

Policy No. & Title:	**P-105 Sexual Harassment, Sexual Misconduct, & Sexual Violence Prevention Governing Students**
Policy Sponsor:	Vice President, People & Culture and Career Services
Reference Cmtee:	Policy & Procedure Committee
Effective:	2025-08-01
Next Review:	2026-10-31

Purpose

College members have a right to learn and study in an environment that is free from any form of discrimination, harassment, sexual harassment, and/or violence. The College has zero tolerance for discrimination, harassment, sexual harassment, and/or violence in all its forms.

Discrimination, harassment, sexual harassment, and/or violence can occur between individuals regardless of sexual orientation, gender, gender identity or relationship status. The College is committed to creating a safe and positive space where individuals feel able to work, learn and express themselves in an environment free from discrimination, harassment and/or violence.

Against this background, this policy seeks to establish the expectations and response protocol guidelines for college members regarding discrimination, harassment, sexual harassment, and/or violence prevention and ensure those who experience discrimination, harassment, sexual harassment, and/or violence are taken seriously, and their rights are respected. The College will not tolerate discrimination, harassment, sexual harassment or violence as prohibited under applicable provincial health & safety legislation/regulation, human rights legislation, and College policy. This policy also makes it clear that the College's process of investigation provides procedural fairness and holds individuals who have committed discrimination, harassment, sexual harassment, and/or violence accountable. Any College member that engages in objectionable conduct or violence is subject to discipline up to and including expulsion from the College.

This policy has been developed in accordance with the respective provincial health & safety legislation and any applicable regulations, and human rights legislation:

New Brunswick: *Occupational Health and Safety, New Brunswick Regulation 91-191; New Brunswick Human Rights Act*

Nova Scotia: *Occupational Health and Safety Act; Violence in the Workplace Regulations; Nova Scotia Human Rights Act*

Ontario: *Occupational Health & Safety Act* (OHSA)*; Ontario Human Rights Code*

All legislated changes impacting this policy will be incorporated into the College's policy through updates on an ongoing basis. The policy will be reviewed annually in accordance with applicable legislation. We are committed to providing updated training on any amendments to this Policy to all parties involved in, or responsible for, any element of this policy.

Scope

This policy applies to all College students, , delivery partners, affiliates, volunteers, visitors and contractors. This policy also applies to members of the public, and any other external individual that may encounter members of the College Community, either on-campus or off-campus (i.e., while on an internship placement).

The College will provide support in all incidents of discrimination, harassment, sexual harassment, and violence involving members of the College Community. The College will investigate all incidents of discrimination, harassment, sexual harassment, and violence when the conduct has a substantial link to the College, direct implications for students or staff or the educational mission of the College and is within the College's scope of responsibility. This includes behaviour that occurs on- or off-campus and behaviour observed or carried out through an electronic, online or social media platform, or via text, audio, video or images.

Any student affected by sexual harassment or sexual violence can access support services and/or request accommodation without making a formal complaint or disclosure.

If there is any conflict between this policy and any other policy of the College, this Sexual Harassment, Sexual Misconduct, Sexual Violence Prevention policy will prevail unless superseded by anything at law.

Principles

The College is committed to creating a welcoming, inclusive and safe environment in which discrimination, harassment, sexual harassment, and/or violence is not tolerated.

The College commits to:

- Being knowledgeable of all related legislation.
- Training College employees and students on this policy.
- Taking all reasonable precautions to prevent discrimination, harassment, sexual harassment, and violence.
- Working to eliminate discrimination, harassment, sexual harassment, and violence through ongoing education, awareness and preventive activities
- Providing a safe space where employees and students feel able to work, learn and express themselves in an environment free from discrimination, harassment, sexual harassment, and violence.

- Providing appropriate support to anyone in our college community who has been affected by discrimination, harassment, sexual harassment, or violence.
- Support those that have been affected by or witnessed incidents to make a report should they choose to do so.
- Acting immediately if incidents of discrimination, harassment, sexual harassment, and/or violence are observed.
- Acting immediately to investigate all reported incidents of discrimination, harassment, sexual harassment, and/or violence to the best of the College's ability in a prompt, confidential and impartial manner.
- Assisting those who have experienced discrimination, harassment, sexual harassment, or violence by providing choices, including detailed information and support, such as the provision of and/or referral to counselling and medical care, and appropriate academic and other accommodation.
- Ensuring that those who disclose they have been discriminated against, harassed, sexually harassed or experienced violence in any form are taken seriously, and that their right to dignity and respect is protected throughout the process of disclosure, investigation, and institutional response.
- Addressing harmful attitudes and behaviours that reinforce that the person who experienced discrimination, harassment, sexual harassment, or violence is somehow to blame for what happened.
- Treating individuals who disclose with compassion, recognizing that they are the final decision makers about their own best interests.
- Ensuring that internal investigation procedures are available in the case of discrimination, harassment, sexual harassment, or violence, even when the individual chooses not to make a report to the police.
- Engaging in an appropriate investigation process that ensures objective and due process.
- Contributing to the creation of a college atmosphere in which discrimination, harassment, sexual harassment, and violence are not tolerated.
- Administrating any disciplinary actions that are required.
- Informing College members that they have the right to file a complaint directly with the provincial governing body or directly to the local police authorities or take any other course of action.

DEFINITIONS

Age of Consent: in Canada is 16 years. The age of consent is the age at which a young person can legally agree to sexual activity. Age of consent laws apply to all forms of sexual activity, ranging from kissing and fondling to sexual intercourse. In other words, a person must be at least 16 years old to be able to legally agree to sexual activity.

College members: Any student who is studying with the College, whether in person or remote, and also includes prospective students.

Confidentiality: is the term used in this policy to refer to the College's responsibility and obligation to ensure that any private and personal information provided in a disclosure, report and/or investigation of sexualized violence or sexual misconduct is collected, used, maintained and secured appropriately. The College will make every effort to maintain confidentiality of all persons involved in a disclosure or report of sexualized violence or sexual misconduct including the survivor, respondent and witnesses. All persons participating in the process are required to maintain confidentiality with respect to information provided during the disclosure, reporting, assessment and/or investigation of an incident of sexualized violence.

Consent: is the act of voluntarily, and clearly, agreeing to engage in specific sexual activity. The definition of consent does not vary based on a person's sex, sexual orientation, gender identity or gender expression.

Consent:

- cannot be expressed by the words or actions of anyone other than the person participating in the sexual activity.
- can be withdrawn at any time during sexual activity.
- does not exist when a person is incapable of consenting to the activity or is persuaded to engage in sexual activity by an individual abusing a position of trust, power or authority.
- It is imperative that everyone understands the following about consent:
- The person who initiates sexual activity is responsible for obtaining clear and affirmative responses at all stages of sexual engagement. It is also the initiator's responsibility to know if the person they are engaging with sexually has reached the age of consent for sexual activity.
- Silence or non-communication must never be interpreted as consent.
- A person who is asleep, unconscious or otherwise unable to communicate, impaired by alcohol and/or drugs, or incapable of fully understanding the sexual acts cannot give consent.
- A person who engages in sexual activity due to emotional manipulation, threats, extortion or other forms of pressure is not giving consent.
- Consent to sexual activity should not be assumed based on consent given in the past to a sexual activity or relationship.

Cyber Sexual Harassment: is defined by the Royal Canadian Mounted Police as involving the use of communication technologies such as the Internet, social networking sites, websites, email, text messaging and instant messaging to repeatedly intimidate or harass others. Things to look for include:

- Insulting or threatening emails, text messages or posts
- Spreading embarrassing or private photos online
- Impersonating an individual on social media
- Creating a website, forum or group to insult or demean others

- Statement of an intent to harm an individual in return for not revealing compromising information about them
- Tricking someone into revealing personal information

Discrimination: means engaging in an action or decision that results in the unfair treatment of an individual or group based on race, age, national or ethnic origin, colour, religion, sex, sexual orientation, gender identity or expression, marital status, family status, disability, genetic characteristics, or conviction for which a pardon has been granted or record suspended.

Harassment: means engaging in a course of vexatious comment or conduct against student that is known or ought reasonably to be known to be unwelcome.

Indecent Exposure: the exposure of the private or intimate parts of the body in a lewd or sexual manner, in a public place where the perpetrator may be readily observed. Indecent exposure includes exhibitionism.

Interim Measures: are restrictions placed on an individual's rights and privileges to ensure the safety of the College Community and provide time for the College to determine its response and investigate. Examples of such measures include restricting access to certain parts of campus and/or attending class. The College may impose interim measures immediately, prior to a full investigation.

Procedural Fairness: is achieved by informing respondents of all allegations and evidence against them, and by giving them reasonable notice of the time, place and nature of the meeting where they can respond personally to the allegations. It also involves providing survivors and respondents with information about the College's investigation and decision-making processes and ensuring that outcomes are determined by an impartial decision maker.

Respondent(s): is the term used in this policy to describe any person(s) alleged to have committed an act of sexualized violence or sexual misconduct.

Sexual Exploitation: is taking advantage of another person through non-consensual or abusive sexual control. This may include the digital or electronic broadcasting, distributing, recording and or photographing of people involved in sexual acts without their consent.

Sexual Harassment:

- Engaging in a course of vexatious comment or conduct because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or
- Making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the targeted individual and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

Sexual Misconduct:

- physical sexual relations with an individual, touching of a sexual nature of an individual or behaviour or remarks of a sexual nature toward an individual by an employee or student where,
- the act constitutes an offence under the Criminal Code (Canada),
- the act infringes the right of the individual under the respective provincial Human Rights Code to be free from a sexual solicitation or advance, or
- the act constitutes sexual misconduct as defined in this policy and procedure.

Sexual Violence: Sexual violence can take many forms involving any sexual act or act targeting a person's sexual orientation, gender identity or gender expression, whether the act is physical or psychological in nature, that is committed, threatened, or attempted against a person without the person's consent, and includes sexual harassment, stalking, indecent exposure, voyeurism, and sexual exploitation.

Examples of sexual violence that can be characterized as unwelcome sexual advances or misconduct, include but not limited to:

- Requests for sexual favors
- Verbal conduct of a sexual nature
- Physical conduct of a sexual nature
- Submission to sexual favours or conduct as being implied as a condition of a student's enrollment
- Creating a sexually intimidating or offensive learning environment
- Creating a sexually degrading, humiliating, or hostile work environment. (Generally, a single sexual joke, offensive epithet, or request for a date does not constitute a hostile environment of sexual harassment; however, being subjected to such jokes, epithets, or requests on more than one occasion may constitute a hostile environment of sexual harassment.)
- Behaviour that is hostile in nature, and/or intends to degrade an individual based on personal attributes, including age, race, nationality, disability, family status, religion, gender, sexual orientation, and/or any other Human Rights protected grounds.
- Sexual solicitation or advance made by a person in a position to confer, grant or deny a benefit or advancement to the person where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome.
- Reprisal or a threat of reprisal for the rejection of a sexual solicitation or advance where the reprisal is made or threatened by a person in a position to confer, grant or deny a benefit or advancement to the person.
- Unwelcome remarks, jokes, innuendoes, propositions, or taunting about a person's body, attire, sex, or sexual orientation and/or based on religion.
- Suggestive or offensive remarks.
- Bragging about sexual prowess.
- Offensive jokes or comments of a sexual nature about an individual.
- Unwelcome language related to gender.

- Displaying of pornographic or sexist pictures or materials.
- Leering (suggestive persistent staring).
- Physical contact such as touching, patting, or pinching, with an underlying sexual connotation.
- Sexual assault.
- Any actions that create a hostile, intimidating, or offensive environment. This may include physical, verbal, written, graphic, or electronic means.
- Any threats of physical violence that endangers the health and safety of the individual.

Stalking: is a form of criminal harassment prohibited by the Criminal Code of Canada. It involves behaviours that occur on more than one occasion which collectively instill fear in the person or threaten the person's safety or mental health, or that of their family and/or friends. These behaviours include but are not limited to non-consensual communications (face to face, phone, electronic such as email, social media); making threatening or obscene gestures; surveillance and pursuit; cyberstalking; sending unsolicited gifts.

Support Person: any party to an investigation or decision-making process has the right to have a support person present with them during the process. The support person cannot be a direct party to the incident in question.

Survivor: is the term used in this policy to refer to an individual who has experienced sexualized violence or sexual misconduct. During a formal report and investigation, the survivor may also be referred to as the "complainant." Using the word survivor instead of "complainant" or "victim" throughout most of this policy shifts the focus from the act of sexualized violence or sexual misconduct to the life of the individual after the incident. The person who has experienced these circumstances has the right to determine how they wish to be identified.

Violence: The exercise or attempted exercise of physical force by an individual against an employee or student that causes or could cause physical injury to the employee or student, or a statement or behaviour that is reasonable for an employee or student to interpret as a threat to exercise physical threat against the employee or student that could cause physical injury to the employee or student.

Voyeurism: is the concealed observation of a person without their consent and in circumstances where they could reasonably expect privacy. Voyeurism may include direct observation, observation by mechanical or electronic means, or visual recordings.

DISCLOSURES AND REPORTING

Students who experience harassment, sexual harassment, sexual misconduct and/or violence may choose none, one or all of the following reporting options:

Disclosure: is the act of sharing information to learn about options for reporting an incident of violence, sexualized violence or sexual misconduct. An individual who has been affected may disclose information about the incident(s) to a trusted member of the College community who can help them access support and services.

College employees who receive disclosures of sexualized violence from students are obligated to report the incident to either the Campus Director or another campus leadership member but will not identify the survivor without consent. This reporting is required to enable the College to comply with all reporting requirements outlined in the various provincial legislations. Names and personal information are not included in these reports.

Note a student does not need to disclose in order to receive the necessary support or resources.

For the purposes of this policy, we refer to the Campus Director or campus leadership; however, note this can refer to any of the following roles – Campus Director, Education Manager, Education Director, Regional Director of Operations or Vice President of Operations.

Informal Report: is an allegation of a violation of this policy made by a survivor to the Campus Director or campus leadership. This type of report may not result in a formal investigation by the College but can help ensure the safety of the College community. The survivor may choose to make a formal College report later to initiate a formal investigation by the College.

An informal report results in a risk assessment that identifies supports and services that are unique to the survivor. If a risk to the safety of the survivor and/or the College community is identified, Campus Director or campus leadership will investigate and may inform the police of the need for a criminal investigation. The survivor has the right to choose not to participate in any investigation arising from an informal report.

Formal College Report: is an allegation of a violation of this policy made by a survivor (also referred to as a complainant during a formal investigation) to the Campus Director or campus leadership to initiate an investigation. This type of report may not be made anonymously, and the College is obligated to inform respondents of allegations made against them. Making a formal College report does not prevent the survivor from reporting the incident to police.

Formal Police Report: refers to the process of reporting a crime (e.g. sexual assault, criminal harassment) to the police who will investigate that may result in criminal charges. This type of report cannot be made anonymously. The College cannot report to police on behalf of the survivor, but the Campus Director or campus leadership will offer to assist the individual in doing so.

Third-Party Report: is the act of sharing information with the Campus Director or campus leadership by any member of the College community who has witnessed, has knowledge of, or has received a disclosure of an incident of harassment, sexual harassment, sexual misconduct, or violence. Those making third-party reports will not identify the survivor without consent. Members of the College community can make these reports in person, by phone or electronically (i.e., via email).

Risk Assessment is the procedure initiated to ensure the safety of the survivor and the College community when the campus leadership team is notified of an act of harassment, sexual harassment, sexual misconduct or violence.

Campus leadership will keep the identity of the survivor confidential during the processes of assessing risk and consulting with relevant stakeholders to determine the College's response. The risk assessment process will determine if any of the following three conditions exist:

- an individual is at imminent risk of self-harm.
- an individual is at imminent risk of harming another person.
- there are reasonable grounds to believe that others in the College or wider community may be at risk of harm.

If any of the three conditions are met, complete confidentiality cannot be guaranteed. The subsequent process which is called a violence risk assessment may include (but is not limited to) a process to evaluate the respondent with respect to the risk that they may commit violence in the future. This includes looking at the nature, severity, imminence, and frequency of violence, as well as the steps that can be taken to minimize these risks to protect the personal safety of the survivor and the College community. These measures may include a plan to manage the respondent during the investigation process, and involving the police if there is a threat to the College community.

Intersecting Identities/Intersectionality are terms used to describe ways of thinking about the complexities of and relationships between the many aspects of people's identities (e.g. gender, race, ethnicity, class, sexual identity, disability/ability, age); these identities do not exist in isolation. The concept of intersectionality recognizes that each aspect of identity is related to a person's social power and affects their vulnerability to oppression and experience of sexualized violence or sexual misconduct.

Accommodation: is the provision of individualized support or alternative means of fulfilling academic responsibilities for survivors. The arrangement of accommodations recognizes the experience of survivors and how that may affect participation in academics duties. For students, accommodation does not remove the essential requirements of a course or a program, nor does it fundamentally alter standards for assigning grades, or requirements that students independently demonstrate their knowledge of course material.
All accommodation will respect confidentiality and will be facilitated without providing details to instructors or supervisors.

RULES

Commitment to Prevention and Elimination Activities

Education and Awareness: publishing current policies and procedures addressing discrimination, harassment, sexual harassment and violence; developing and facilitating ongoing campaigns, training sessions, workshops, programs and events that raise awareness of discrimination, harassment, sexual harassment, and violence and address harmful attitudes and behaviours that reinforce the misconception that the survivor is to blame; providing consent education; and promoting consent culture and bystander intervention.

Support Resources: providing a variety of resources on relevant topics such as how to seek support, providing resources for survivors, and providing advice and resources for all members of the College Community on responding appropriately to disclosures and supporting survivors.

Immediate Response: persons in a position of authority at the College, including persons directing the activities of others (i.e. managers, instructors, etc.) who become aware of discrimination, harassment, sexual harassment, or violence shall take immediate action to respond to this information guided by this policy.

Student input: Student input will always be considered when developing the College's sexual harassment, sexual misconduct and sexual violence policy, as well we will take student input into consideration when reviewing and/ or amending its policy.

Encouragement to Disclose and Report Sexualized Violence and Sexual Misconduct

All members of the College community who have been affected by sexualized violence or sexual misconduct are encouraged to disclose their experience to a trusted member of the College community as soon as they are able to do so. Individuals are not required to report to receive support, services or accommodation.

Amnesty from College Sanctions: The College recognizes that some individuals may be hesitant to disclose, or report sexualized violence or sexual misconduct that occurred in situations where they were drinking while underage or using illegal drugs. A survivor or other members of the College community who discloses or reports sexualized violence or sexual misconduct will not be subject to college sanctions for violations of college policies related to their use of alcohol and/or illegal drugs at the time of the incident.

Anonymous and Third-Party Reports: College employees, suppliers, contractors, etc. who witness or have knowledge of sexual harassment, sexual misconduct or sexual violence have an obligation to make a third-party report immediately to the Campus Director or campus leadership. Students, visitors, and all other members of the College community are strongly encouraged to make a third-party report to campus leadership.

Support for Survivors who disclose or report Discrimination, Harassment, Sexual Harassment, or Violence

The College is committed to responding to all disclosures/reports of discrimination, harassment, sexual harassment, or violence in a consistent, respectful, and supportive manner. Supportive responses will include the following:

Trust: survivors who disclose or report their experience to a member of the College Community can expect to be believed.

Compassion: ensuring that the response to those who disclose that they have been affected by discrimination, harassment, sexual harassment and/or violence is compassionate and non-judgmental and that their right to dignity and respect is protected throughout the processes of disclosure, investigation and institutional response.

Sensitivity: During the investigative process, survivors will not be asked irrelevant questions from staff or investigators, such as those relating to past sexual history or sexual expression.

Safety: the College will take every reasonable step to protect the safety and security of survivors and the College Community.

Choices and options: providing those who have been affected by discrimination, harassment, sexual harassment and/or violence with detailed information about their choices and options for support and reporting, including the roles of various areas of the College in providing services and supports and responding to incidents of discrimination, harassment, sexual harassment, and/or violence.

Self-determination: survivors of discrimination, harassment, sexual harassment and/or violence can expect the College to respect their right to make the final decisions about their own best interests in determining their next steps following a disclosure or report.

Cultural competence: ensuring that the response to discrimination, harassment, sexual harassment and/or violence is informed by an awareness that individuals may be targeted due to several factors (e.g. gender, non-binary gender identity or expression, race, ethnicity, religion, ability/disability, age) and providing culturally appropriate supports, services and resources.
Academic and Workplace Accommodations: Survivors may need additional support and flexibility to continue their regular day-to-day curricular activities. The College will provide all reasonable accommodation.

Right to Withdraw a Report: A survivor of discrimination, harassment, sexual harassment and/or violence has the right to withdraw a report at any stage of the subsequent investigation process. Where a report has been withdrawn, the survivor may choose at any time to reactivate the report to continue with the investigation process. If the College determines that an incident about which a report has been withdrawn puts the safety of other members of the College community at risk, it will conduct an internal investigation and/or may inform police. In these circumstances, the College will make every effort to protect the confidentiality and anonymity of person(s) affected. It is a violation of this Policy for anyone to retaliate, engage in reprisals or threaten to retaliate against a survivor or other individual for:

- having pursued rights under this Policy or their provincial Human Rights code.
- having participated or cooperated in an investigation under this Policy or their provincial Human Rights Code.
- having been associated with someone who has pursued rights under this Policy or their provincial Human Rights code.

The College will take reasonable steps to protect persons from reprisal, retaliation, and threat; examples of such steps include advising individuals in writing of their duty to refrain from committing a reprisal, restricting an individual's access to areas of the campus, and restricting their communication.

Unsubstantiated Reports

If a person discloses or makes a report about an incident of discrimination, harassment, sexual harassment and/or violence that is not supported by evidence gathered during an investigation, that report will be dismissed and no record of it will be placed in the individual's academic files.

Limits of Confidentiality

The College will restrict access to all information provided in the disclosure and processes related to a report and investigation of an incident of discrimination, harassment, sexual harassment and/or violence to individuals with a legitimate need for such access and will provide education and training to those who are regularly involved in receiving disclosures and the administration of reports.

However, confidentiality cannot be assured in circumstances where the College's risk assessment process determines that a risk to an individual or the College community exists.

A formal college report has been made and the respondent must be informed of the details of the report as part of the investigation and in keeping with procedural fairness; and/or reporting is required by law.

In such circumstances, information will be shared only with services necessary to prevent harm, and the name of the survivor will not be released.

Application

The College will include a copy of this Policy in the Student Handbooks and will include a statement in every student enrollment contract made between the College and our students indicating where the student can find the policy for review. The College will provide a copy of the Policy to all managers (including corporate directors, owners, partners, other persons who manage or direct the College's affairs, and their agents), instructors, employees, and contractors, and will train them about the policy and its processes of reporting, investigating, and responding to complaints of discrimination, harassment, sexual harassment and/or violence involving our students.

Any company participating in offering student internships on their premises must provide an undertaking in writing that it follows all applicable legislation, including the respective provincial Human Rights Codes and the Occupational Health and Safety Acts and will provide students access to those policies should they encounter issues relating to discrimination, harassment, sexual harassment and/or violence in the workplace.

This Policy will be published on our website and the internal student website.

Any College member has an obligation to immediately report incidents of discrimination, harassment, sexual harassment and/or violence upon becoming aware of them.

Any College member that has experienced discrimination, harassment, sexual harassment and/or violence are encouraged to come forward to report as soon as they can. Incidents should be reported to a manager that can include Campus Director or campus leadership.

If reported to a manager or campus leadership, all incidents will be escalated to the Vice President, Operations. Where required, an outside 3rd party will be appointed to fully investigate all complaints, or Operations may appoint the People & Culture team of triOS Education Group to aid in the investigation.

Where the College becomes aware, or should be reasonably aware, of incidents of discrimination, harassment, sexual harassment and/or violence, all reasonable steps will be taken to ensure the safety of all College members.

If College members, in good faith, report an incident of, or make a complaint about, discrimination, harassment, sexual harassment and/or violence, they will not be subject to discipline or sanctions for violations of the College's policies relating to drug or alcohol use at the time the alleged discrimination, harassment, sexual harassment and/or violence occurred unless such activity is criminal in nature.

The College recognizes the right of the complainant not to report an incident of or make a complaint about discrimination, harassment, sexual harassment and/or violence or not request an investigation and not to participate in any investigation that may occur.

Notwithstanding the above, the College may be required by law or its internal policies to initiate an internal investigation and/or inform police without the complainant's consent if it believes the safety of members of its campus or the broader community is at risk.

In all cases, including the above, the College will appropriately accommodate the needs of its members who are affected by discrimination, harassment, sexual harassment and/or violence. College members seeking accommodation should contact the local Campus Director or campus leadership. In this regard, the College will assist individuals who have experienced discrimination, harassment, sexual harassment and/or violence in obtaining counselling and medical care and provide them with information about discrimination, harassment, sexual harassment and/or violence supports and services available in the community. Individuals are not required to file a formal complaint to access support and services.

Investigation and Adjudication

If it is determined by the College that the respondent did engage in discrimination, harassment, sexual harassment and/or violence, immediate disciplinary or corrective action will be taken. This may include:

- Expulsion of a student; and/or
- The placement of certain restrictions on the respondent's ability to access certain premises or facilities; and/or
- Any other actions that may be appropriate in the circumstances.

Should the complainant or the respondent not agree with the decision resulting from the investigation, they may appeal the decision within seven (7) business days by submitting a letter addressed to the Vice President, Operations advising of the person's intent to appeal the decision. The Vice President of Operations will make a determination whether to involve the Vice President of People & Culture.

Disclosures or complaints that are found following investigation to be frivolous, vexatious, or bad faith complaints, that is, made to purposely annoy, embarrass, or harm the respondent, may result in sanctions and/or discipline against the complainant.

Any threat or retaliation against individuals who engage in the administration of this policy and its procedures, including any investigation, shall not be tolerated. Any violation shall be subject to disciplinary and/or corrective action, up to and including termination of employment or expulsion of a student.

The confidentiality of all persons involved in a report of discrimination, harassment, sexual harassment and/or violence must be strictly observed. Information provided by complainants is treated as confidential but may be shared as is reasonably necessary to investigate the complaint and/or as may be required by Policy and/or applicable law.

Confidentiality cannot be assured in the following circumstances:

- An individual is at imminent risk of self-harm; and/or
- An individual is at imminent risk of harming another; and/or
- There are reasonable grounds to believe that others in the College or greater community may be at risk of harm.

In such circumstances, information would only be shared with necessary services to prevent harm, and the name of the survivor would not be released to the public.

The College may enter into an agreement that contains a term described above if the student requests that the College do so, provided that:

- the student has had a reasonable opportunity to receive independent legal advice,
- there have been no undue attempts to influence the student with respect to the request,
- the agreement includes an opportunity for the student to decide to waive their own confidentiality in the future and the process for doing so, and
- the agreement is of a set and limited duration.

The College shall collect and be prepared to provide upon request by the respective provincial Ministry/Department such data and information as required according to the respective Act(s), as amended.

PROCEDURE FOR STUDENTS

This procedure is intended for all students: students who are survivors of sexual harassment, sexual assault or sexualized violence (herein referred to as sexualized violence); students who witness or receive a disclosure of sexualized violence; and students who are alleged to have committed an act that violates the College's Sexual Assault and Sexualized Violence Policy (referred to throughout this procedure as "the Policy"). This procedure details the supports, services and resources available to students, the steps to follow in a variety of circumstances, and the response students can expect from the College.

Contents:

1. If you have been affected by sexualized violence

    1.1 If you witness or have information about an incident of sexualized violence

2. If you are a survivor and choose to disclose and/or report sexualized violence

3. If you receive a disclosure of sexualized violence

4. If you are identified as a respondent

5. College response to student disclosures of sexualized violence

    5.1 Response to a Disclosure

    5.2 Response to an Informal Report or Third-Party Report

    5.3 Response to a Formal Report

    5.4 Investigation and Decision-Making Procedures

6. Sources of Information and Support for Students at the College and in the Community

1. If you have been affected by sexualized violence

This section of the procedure is intended for students who have been affected by sexualized violence: survivors, witnesses and/or individuals who have been made aware of any sexualized violence.

The College recognizes that it is often difficult to disclose or report incidents of sexualized violence. Deciding whether to disclose or report the incident is entirely up to you; however, we encourage you to consider doing so. Survivors and witnesses can expect a consistent, respectful and supportive response from the College.

It is important to know that you do not need to disclose, or report sexualized violence to access support and services.

What you can do as a survivor:

- In emergency situations, go to a place of safety and call 911.
- Tell someone who can help you obtain support and services.
- Get medical care, if required, at a local hospital, family doctor, walk-in clinic, community health centre, or urgent care centre.
- Contact campus leadership for further information and contacts.

If you witness or have information about an incident of sexualized violence

If you witness or have information about an incident of sexualized violence, we encourage you to report it.

What you can do:

- In emergency situations, go to a place of safety and call 911.
- Make a Third-Party Report to your Campus Director or campus leadership
- Tell someone who can help you obtain support and services.
- Contact your Campus Director or campus leadership for assistance if you are considering making a report but are unsure of the process and/or your options.
- Contact your Campus Director or campus leadership if you feel you could benefit from personal or emotional support

2. If you are a survivor who chooses to disclose and/or report sexualized violence

Deciding whether to disclose or report the incident is entirely up to you. The College understands that sharing this information is difficult and that sexualized violence is never your fault.

We encourage you to consider making a report; however, you are not required to disclose, or report sexualized violence to obtain College support and services. The policy explains several ways survivors can disclose and/or report sexualized violence, including:

- Disclosure,
- Informal Report,
- Formal College Report,
- Formal Police Report.

It is important for you to understand the College's commitment to confidentiality as well as the rules governing the Limits of Confidentiality detailed in the Policy. The College recognizes that confidentiality is important to those who have disclosed sexual violence. You have the right to ask the person to whom you make a disclosure what level of confidentiality you can expect from them before you share information.

Survivors (also referred to as the "complainant") can choose to withdraw a report at any stage of the process; however, in circumstances that pose a risk of harm to the survivor or the College Community, the College will continue to investigate, making every effort to protect your confidentiality.

What you can do if you choose to disclose and/or report:

- In emergency situations, go to a place of safety and call 911.
- Make a report to your Campus Director or campus leadership
- Make a disclosure to someone you trust who can help you obtain support and services.
- Contact your Campus Director or campus leadership for assistance if you are considering making a report but are unsure of the process and/or your options.
- Contact your Campus Director or campus leadership if you feel you could benefit from personal or emotional support.

3. If you receive a disclosure of sexualized violence

If someone in the College Community discloses to you that they have been affected by sexualized violence, you can help by listening, being supportive, and helping them identify and access professional services, resources and support, including a safety plan. The Policy clearly describes how students and staff who receive disclosures are expected to respond.

What to do if you receive a Disclosure:

- In emergency situations, go to a place of safety and call 911.
- In non-emergency situations, listen to the survivor in a non-judgmental and supportive manner.
- Explain to the survivor that confidentiality cannot be guaranteed in circumstances where:

The College's risk assessment process determines that there is a risk to an individual or the College Community

A Formal Report is made, because the College is obligated to inform the respondents(s) of the allegation(s)

The College is legally obligated to release information.

- Offer the survivor information about support and services available in the College and the community and aid in accessing these, if needed.
- Encourage the survivor to make a report to their Campus Director or campus leadership.
- The College encourages you to make a Third-Party Report. You are not required to share the name of the survivor in this process and should not do so without the survivor's consent.

4. If you are identified as a respondent

This section of the procedure is intended for students who have been identified as respondents in allegations of sexualized violence. Respondents will be provided with a fair and transparent process based on the principles of procedural fairness, and support from the College during the investigation and decision-making process.

What you can expect as a respondent:

- to be invited to an interview by the Campus Director and/or campus leadership where you will have an opportunity to provide a response to the allegations.
- the Campus Director or campus leadership are available to support you through this process and will provide accurate information about your rights and responsibilities
- you may be subject to interim measures during the investigation process as outlined above.

It is important for you to understand the College's commitment to confidentiality as well as the rules governing the limits of confidentiality detailed in the Policy.

The College will make final decisions with or without your full participation as a respondent.

5. College response to student disclosures of sexualized violence

The College will respect and protect the rights of the survivor, respondent, and any witnesses during the response to a report of sexualized violence. This will include providing access to support and services, maintaining confidentiality, explaining the limits of confidentiality, and adhering to procedural fairness. The College will respect the survivor's right to make choices throughout the process.

What you can expect from the College:

- information on confidentiality and the limits of confidentiality
- clarification of your options for reporting
- help in developing a safety plan, if required
- protection from reprisals as detailed in the Policy

In addition, survivors and respondents can expect:

- an explanation of the process and timelines
- updates on the findings of any risk assessment and/or investigation
- notification of the outcomes of and rationale for decisions made by the College

5.1 Response to a Disclosure

A disclosure is different from a report. A disclosure will initiate an initial assessment of the immediate needs of the survivor and the College community that informs the College's response as outlined below.

Assessing Risk and Safety Planning

Assessing risk is the College's first step in responding to all disclosures of sexualized violence. The campus Operations team conducts this process and uses all available information to determine the next steps.

The College will work with the survivor to develop a safety plan to manage any identified risk.

In cases involving a student survivor who reveals their identity and expresses interest in receiving support and services, the campus leadership will be contacted. The Operations team will provide survivors with accurate information about available options and explain rights and responsibilities. They can assist in making choices about what to do in response to disclosed or reported incidents of sexualized violence. They will also help survivors identify the need for any support and or services and provide referrals to counselling services or community support. The College will respect the survivor's right to make choices throughout the process.

Interim Measures

Interim measures will be imposed only as necessary. Imposing these measures does not represent a finding of misconduct and is not intended as a punitive measure. The College will take steps to minimize any academic impact.

5.2 Response to an Informal Report or Third-Party Report

An Informal Report cannot be made anonymously. The Campus Director in conjunction with campus leadership will use the information provided to initiate a risk assessment. This type of report may not result in a formal investigation unless the College's assessment identifies a risk to the safety of the survivor or the College community.

The College also encourages any member of the College community who witnesses or otherwise becomes aware of an incident of sexualized violence to make a Third-Party Report. The Campus Director in conjunction with the Operations team will use the information provided to assess the safety of the survivor and College Community and identify any further action that may be required. You can make a Third-Party Report to your Campus Director or campus leadership.

Survivors making an Informal Report can expect:

- to have their identity protected to the extent possible.
- to be informed of and/or referred to supports and services.
- to be informed of the findings of the risk assessment.
- the right to choose not to participate in any investigation conducted by the College
- to maintain their right to choose to make a Formal College Report at any time.

Persons making a Third-Party Report can expect:

- to have their identity (if disclosed) protected to the extent possible.
- to be informed of and/or referred to supports and services.
- to be provided with the opportunity to choose not to participate in any investigation.

5.3 Response to a Formal College Report

The College follows the procedure outlined below when investigating and making decisions about Formal College Reports of sexualized violence.

Survivors making a Formal College Report can expect:

- to have their identity and confidentiality protected to the extent possible
- to be informed of and provided with access to supports and services
- a consistent, respectful and supportive approach
- a fair and transparent process
- the right to choose to withdraw a Formal College Report at any time; however, in circumstances where there is an identified risk, the College may choose to proceed with an investigation.

5.4 Investigation and Decision-Making Procedures

Multiple Proceedings:

Survivors who file a report with their Campus Director or campus leadership may also choose to file a Formal Police Report or report through the civil courts or the provincial Human Rights Tribunal. When a report of sexualized violence results in civil or criminal proceedings, the College will conduct an independent investigation and make its own determination in accordance with its policies and procedures. The College will cooperate with any external investigations.

Procedural Fairness: The College is committed to procedural fairness. The procedures under this policy are intended to be flexible and largely informal.

Support and Representation:

The College's investigation and decision-making processes include individual meetings with the survivor and respondent. Each may attend these meetings accompanied by support people of their own choosing whose role is providing support rather than participating.

Informal Resolution:

The College will support a process of informal resolution if both survivor and respondent agree to participate. If an attempt at informal resolution breaks down, the survivor has the right to choose to continue with a formal investigation.

Investigation:

In situations where police are not the primary investigators, the Operations team will lead the investigation by collecting evidence and statements from the survivor, respondent, witnesses, and others as necessary. This may require more than one interview with each person. At no point during the investigation will the survivor be expected to meet face-to-face with the respondent. Survivors have the right to choose not to participate in the investigation after their initial disclosure or report. The respondent may also choose not to participate. The College reserves the right to hire a third-party investigator to lead an investigation as required.

Investigation Timelines:

The survivor and respondent will each be informed about the progress of the investigation at least once every seven working days. The College will aim to complete its investigation as quickly as possible, aiming to ensure diligence and the time necessary for thorough investigation.

Investigation Findings:

The standard of proof used by the College to conclude that a violation of this Policy has occurred is the balance of probabilities, which means the information and evidence gathered in the investigation indicates that the allegation is more likely to be true than not to be true.

If the investigator finds that there has been no violation of the Policy, the survivor and respondent will each be informed in writing that the investigation has been closed.

If the investigator finds that there has been a violation of this or another College policy, the Operations team will provide the appropriate decision maker with a summary of the investigative report that includes any statements, evidence and relevant supporting documentation.

Formal Decisions and Sanctions:

The identity of the decision maker is determined by the respondent's role in the College, as outlined below. The decision maker will review the summary investigative report and any relevant supporting documentation to determine whether a violation of the Policy has occurred and will determine appropriate outcomes in consultation with others as required.

- Where the Respondent is a student – If findings of the investigation substantiate a report of sexualized violence, the Campus Director (or designate), in partnership with the Operations team, will determine the appropriate disciplinary action which may include measures up to and including expulsion.
- Where the Respondent is not a student or a College Employee – Contractors, suppliers, volunteers or visitors to college property who engage in prohibited conduct will be subject to this policy. If a report of sexualized violence against the respondent is substantiated, the Vice President, People & Culture (or designate) will determine appropriate College action, including imposition of penalties, cancellation of contracts, and other sanctions.

Written Decision:

The decision maker will inform the survivor and respondent of the results of the College's investigation within seven (7) days of its conclusion in a written communication that includes a brief description of any corrective action that the College has taken or will take because of its investigation.

Appeals:

- A student may submit their appeal in writing within ten (10) business days to the Vice President of Operations, who may consult with the Vice President of People & Culture. Investigation and response to be shared with the student within ten (10) business days of launching an investigation.

6. Sources of Information and Support for Students at the College and in the Community

Related Policies
P-103 Anti-Violence, Harassment & Discrimination

Supporting Documents/Forms
Ministry of Training, Colleges and Universities Act, RSO 1990, c M.19
Ontario Occupational Health & Safety Act - Part III.0.1
Ontario Human Rights Code
New Brunswick Regulation 91-191 under the Occupational Health & Safety Act, Part XXII.I New Brunswick Developing Workplace Violence and Harassment Codes of Practice
New Brunswick Human Rights Act, 2011
Nova Scotia Violence in the Workplace Regulations under Section 82 of the Occupational Health & Safety Act
Nova Scotia Human Rights Act, 1989
Ontario Career Colleges Act, 2005, S.O. 2005, c. 28, Sched. L
Bill 26, Strengthening Postsecondary Institutions and Students Act, 2022
P-105p Sexual Harassment, Sexual Misconduct, & Sexual Violence Prevention Procedure

Appendix A: Listing of all Crisis Centers

The following represents a list of Provincial Rape Crisis Centers by region that could be used as a resource:

ONTARIO

Assaulted Women's Helpline
English
Toll Free: 1-866-863-0511
#SAFE (#7233) on Bell, Rogers, Fido, or Telus mobile TTY: 416-364-8762
www.awhl.org

Fem'aide
Francais
Telephone Toll-Free: 1-877-336-2433
ATS: 1-866-860-7082
www.femaide.ca

Belleville
Sexual Assault Centre for Quinte and District
Toll-Free: 1-877-544-6424
Office: 1-613-967-6300
www.sacqd.com

Brantford
Sexual Assault Centre of Brantford
Crisis: 519-751-3471
Office: 519-751-1164
sexualassaultcentre@sacbrant.ca
http://sacbrant.ca/

Chatham
Chatham-Kent Sexual Assault Crisis Centre
24-Hour Crisis Line: 519-354-8688
Office/TTY: 519-354-8908
http://cksacc.org/

Durham Region
Durham Rape Crisis Centre
Crisis: 905-668-9200
Office: 905-444-9672
info@drcc.ca www.drcc.ca

Guelph
Guelph-Wellington Women in Crisis
Crisis: 519-836-5710
1-800-265-7233
Office: 519-823-5806
www.gwwomenincrisis.org

Hamilton
Sexual Assault Centre (Hamilton and Area)
Crisis: 905-525-4162
Office: 905-525-4573
TTY: 905-525-4592
www.sacha.ca

Kitchener-Waterloo
Sexual Assault Support Centre of Waterloo Region
Crisis: 519-741-8633
Office: 519-571-0121
info@sascwr.org www.kwsasc.org

London
Sexual Assault Centre London
Crisis: 519-438-2272
Office: 519-439-0844
TTY: 519-739-0690
sacl@sacl.ca www.sacl.ca

London Abused Women's Centre
Office: 519-432-2204
Email: info@lawc.on.ca http://lawc.on.ca

Peel Region
Hope 24/7 (formerly the Sexual Assault/ Rape Crisis Centre of Peel)
Crisis: 1-800-810-0180
Office: 905-792-0821
http://hope247.ca

Oakville
Sexual Assault & Violence Intervention Services of Halton
Crisis: 905-875-1555 or 1-877-268-8416
Office: 905-825-3622
www.savisofhalton.org

Orangeville
Family Transition Place
Crisis: 1-800-265-9178
Office: 519-942-4122
www.familytransitionplace.ca

Ottawa
Ottawa Rape Crisis Centre
Crisis: 613-562-2333
Office: 613-562-2334
Home - Ottawa Rape Crisis Centre (orcc.net)

Toronto
Oasis Centre des Femmes
Telephone: 416-591-6565
Courrierl:
services@oasisfemmes.org
http://oasisfemmes.org/

Toronto Rape Crisis Centre: Multicultural Women
Against Rape
Crisis: 416-597-8808
Office: 416-597-1171
info@trccmwar.ca
crisis@trccmwar.ca
www.trccmwar.ca

Windsor
Sexual Assault Crisis Centre of Essex County
Crisis: 519-253-9667
www.saccwindsor.net

Woodstock
Domestic Abuse Services Oxford
Crisis: 519-539-4811 or 1-800-265-1938
info@daso.ca www.daso.ca

NOVA SCOTIA

Halifax
Avalon Sexual Assault Centre
Crisis: 902-422-4240
Welcome to Avalon | Avalon (avaloncentre.ca)
info@avaloncentre.ca

NEW BRUNSWICK

Fredericton
Sexual Violence New Brunswick
Crisis: 506-545-0437 or 506-454-0460
Landing - Sexual Violence New Brunswick (svnb.ca)
info@svnb.ca